

EXHIBIT G

*Sioux Steel Company v.
KC Engineering, P.C.*

Derek Matthies, PE
February 27, 2017



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<p style="text-align: right;">Page 61</p> <p>1 or non-free-flowing?</p> <p>2 A Yes.</p> <p>3 Q Correct?</p> <p>4 A Correct.</p> <p>5 Q Now, if a hopper cannot be designed to tolerate the</p> <p>6 pressures of reasonable, foreseeable uses, then the</p> <p>7 risk of failure must be guarded to prevent injury to</p> <p>8 workers; is that correct?</p> <p>9 MR. TOBIN: Object to the form of the question.</p> <p>10 You can answer if you can.</p> <p>11 THE WITNESS: I guess I don't understand the --</p> <p>12 BY MR. GOODSSELL:</p> <p>13 Q Okay. If a hopper cannot be designed to tolerate the</p> <p>14 pressures of reasonable, foreseeable uses, then the</p> <p>15 risk of failure must be guarded to prevent injury to</p> <p>16 workers?</p> <p>17 MR. TOBIN: Same objection.</p> <p>18 THE WITNESS: I would say, yes, the hopper needs</p> <p>19 to be designed for worst-case scenario.</p> <p>20 BY MR. GOODSSELL:</p> <p>21 Q Now, if the designed hopper is subject to foreseeable</p> <p>22 misuse or is limited to specific designated uses, then</p> <p>23 the design reviewer must warn the client of the</p> <p>24 limitations?</p> <p>25 MR. TOBIN: Same objection.</p>	<p style="text-align: right;">Page 63</p> <p>1 engineering document prepared for KC's client, correct?</p> <p>2 A Yes.</p> <p>3 Q The term "in responsible charge" means having direct</p> <p>4 control of and personal supervision over any work</p> <p>5 involving the practice of engineering, correct?</p> <p>6 A Yes.</p> <p>7 Q A licensed professional engineer submitting a report,</p> <p>8 an engineering document, on a structural engineering</p> <p>9 design review of drawings and specifications cannot</p> <p>10 rely upon the work of the client; is that correct?</p> <p>11 A I guess, could you say that again?</p> <p>12 Q A licensed professional engineer submitting a report on</p> <p>13 a structural engineering design review of drawings with</p> <p>14 specifications cannot rely upon the work of the client?</p> <p>15 A You would do your own review, yes.</p> <p>16 Q Right. And as a licensed professional, you're required</p> <p>17 to do your own review, correct?</p> <p>18 A Yes.</p> <p>19 Q You can't adopt somebody else's work and say, "This is</p> <p>20 my report"?</p> <p>21 A Right.</p> <p>22 Q Now, does Iowa require an engineering document that's</p> <p>23 submitted to a client to contain a certification block</p> <p>24 for a seal by the licensed professional engineer in</p> <p>25 charge?</p>
<p style="text-align: right;">Page 62</p> <p>1 THE WITNESS: Yes.</p> <p>2 BY MR. GOODSSELL:</p> <p>3 Q Safety determines design, correct?</p> <p>4 A Correct.</p> <p>5 Q An engineer has a duty to focus primarily on safety,</p> <p>6 correct?</p> <p>7 A Correct.</p> <p>8 Q An engineer's primary focus is safety regardless of</p> <p>9 pressure that may come from a client, correct?</p> <p>10 A Correct.</p> <p>11 Q A grain bin hopper is a generic term used in the</p> <p>12 industry to describe steel bins for storage and</p> <p>13 handling of agricultural commodities?</p> <p>14 A I would agree with that, yeah.</p> <p>15 Q It's the duty of a licensed professional engineer to</p> <p>16 warn his client if potential uses or misuses can cause</p> <p>17 a structure to fail?</p> <p>18 A Yes.</p> <p>19 Q And I want to talk to you a little bit about some</p> <p>20 terms. The term engineering document, that includes</p> <p>21 all reports if the preparation requires the practice of</p> <p>22 engineering. Would that be an accurate description of</p> <p>23 engineering documents?</p> <p>24 A Yes.</p> <p>25 Q And KC's report to Sioux Steel, <u>Exhibit 9</u> and 19, is an</p>	<p style="text-align: right;">Page 64</p> <p>1 A If it's submitted in Iowa.</p> <p>2 Q And what about a submittal in South Dakota?</p> <p>3 A If it's for the state of South Dakota, if you're going</p> <p>4 to stamp documents that are going to be billed in</p> <p>5 South Dakota for South Dakota. It depends which review</p> <p>6 board will be reviewing the drawings.</p> <p>7 Q So it's your understanding that an engineering document</p> <p>8 that goes to a client in South Dakota as a report, such</p> <p>9 as what you have in <u>Exhibit 9</u> and 19, does not have to</p> <p>10 be under seal?</p> <p>11 A It would be -- that's how I would put it, because it</p> <p>12 could be sold in other states in which case those --</p> <p>13 the stamp would have to correspond with each state.</p> <p>14 Q Is that under South Dakota or Iowa then or both?</p> <p>15 A I guess I'm confused of the question.</p> <p>16 Q Perhaps I'm confused on the answer. Is it your answer</p> <p>17 that if it's under seal, it has to meet --</p> <p>18 A The code requirements of that specific jurisdiction.</p> <p>19 Q Which would be South Dakota or Iowa, one or the other,</p> <p>20 right, here?</p> <p>21 A Well, see, normally it's like buildings, building being</p> <p>22 built in Iowa, you stamp it and that jurisdiction</p> <p>23 reviews it.</p> <p>24 Q Correct.</p> <p>25 A But if this is going to be sold in Texas, then it might</p>